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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,107	12/13/2000	Kenji Fujioka	F-6779	3664
7590		06/12/2006	EXAMINER	
Jordan and Hamburg		MCCULLOCH JR, WILLIAM H		
122 East 42nd Street		ART UNIT		
New York, NY 10168		PAPER NUMBER		
		3714		

DATE MAILED: 06/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/736,107

Applicant(s)

FUJIOKA ET AL.

Examiner

William H. McCulloch Jr.

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6-12 and 14-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-12 and 14-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This action is in response to amendments received 12/6/2005. The application currently has claims 1, 3, 4, 6-12, and 14-35 pending, with claims 1, 3, 4, 6-10, and 14-19 amended and claim 35 new.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-4, 6-12, 14-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 5,971,855 to Ng in view of 'Pokemon' and in further view of 6,009,458 to Hawkins et al. (hereinafter Hawkins).

Ng teaches a monitor for displaying game images (Fig. 3A), a plurality of operable members (Fig. 3A-3C), a data transmitter for transmitting data to an external device (Fig. 1B), a mode for training a character (6:34), a mode for transmitting data (Fig. 1B), buttons to train a character (6:15-24), a microprocessor controller which drives the game device (5:1-16), obtaining training values which add or subtract from an initial training value (5:51-65), item giving device for giving items to a character which affect training score/state (6:34-47), a training judge for determining a successful endeavor (6:45-47), data of a trained fighter is transmitted to an external device for participating in a game (7:42-8:44).

Ng does not specifically disclose transmitting initial training values and items to an external side along with data of a successfully trained character. Pokemon teaches a game where users build, train, and trade game characters to participate in battle games (p. 1-9). Pokemon allows a user to view the data of any character he has seen or captured (p. 10, POKEDEX). The data are statistics including initial and current training values of game characters (p. 11, STATS), i.e. ATTACK (current training value) and OT (an initial training value). Pokemon also allows a user to collect items that can be viewed when requested (p. 12, ITEM). Some of the items affect the training values of the characters (p. 41-42). An impetus behind Pokemon's battle game is to collect different characters to help win the game, wherein one of the major ways to collect different characters is to trade with other people and to grow characters faster (p. 23, 30, and 35). During a trade, a character and all of its STATS values will be transmitted to the external link (p. 36-38). Thus, one would be motivated to modify Ng to use character trading to add greater depth in the character training/battle game by adding additional characters with which to complete the game and trading characters also provides another method with which to obtain faster character growth (p. 35). Such trading insures that a game's dynamic is not limited to a predefined program increasing entertainment value. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ng to use the trading features taught by Pokemon to increase the game's dynamic and entertainment value. Ng in view of Pokemon does not however, teach trading items given to a player. Hawkins teaches a character training game that allows a user to build characters and items to

apply in different games, as well as for trade (2:65-3:52). Hawkins is yet another established character building game that also provides for network and system independent game play (5:40-6:11). In this system Hawkins allows users to trade or sell playing objects between users or a central facility (16:1-17:20). The distinct advantage of Hawkins's character building game is that playing objects would not be limited to a particular game, nor games in general (21:35-22:30), thus creating a larger base of potential user. A larger user base would make the game more marketable, making it obvious to one of ordinary skill in the art at the time the invention was made to modify Ng in view of Pokemon to use the trading features of Hawkins to increase the marketability of the game.

Ng discloses various commands related to transmitting and receiving data to and from an external device (8:50-11:10). Furthermore, claims of such, directed to communication between devices are standard and well known in computer communication. Applicant does not set forth any novel communication techniques that would further distinguish the invention from previous communication protocols that one of ordinary skill in the art would readily recognize to implement for this application.

Ng discloses using a cable for data communication (2:65-67).

Ng teaches the claimed limitations as discussed above, but does not specifically disclose transmitting items given to a character to an external device. However, Ng teaches bi-directional communication between a first device and a variety of other devices, such as another game apparatus or a PC. Ng also teaches of a first device receiving feature upgrades and restoring aspects of training scores, which would be

receiving items from a remote device to affect training scores as paralleled above in providing items pre-programmed into the device (2:33-60). Ng also provides for a competition game of combat over the Internet between two remote game devices. It is considered well within the capabilities of one of ordinary skill in the art to provide combat characters with weapons for battling other character. As such, an item could be received for training a fighter for later combat games, therefore when playing a combat game between two remote fighters, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ng to provide for sending an item used for training with the fighter data, so that during the combat game a fighter could use that sent item during combat.

Ng teaches receiving from an external source items and other character modifications. Ng also teaches having the ability to train more than one character (5:47-50). While not disclosing where the other characters are produced in the game, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have received the extra characters from the computer or the Internet to provide a new sales distribution channel for the game manufacturer or provide a game player with character variety to keep the combat game more interesting.

Ng teaches that a user posts game scores to a website (2:47-49) and transmitting various statistics of a user's virtual character (9: 1-10:67) as discussed above. Ng does not disclose displaying how many times a character has been transmitted to an external device nor displaying the information on the monitor, however as taught by Ng, one could readily access how many time transfers have occurred

though a player's combat history with other players seen on the score posting on the Internet. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the scores posted to monitor of the game device so that statistics of the game history would be portable with the device and viewable while not connected to the network.

Ng teaches of a first game of training and developing a character, and another video game program where characters participate in a combat game (Abstract). Ng teaches receiving new characters and new character enhancements as discussed above where the character enhancements are received from an external device (2:47-60). Items different than those already received by a character would be the new enhancements that are available on an external device through the web. Ng teaches setting probability for a plurality of experience points through teaching randomly assigned point values (7:41-8:21). Ng teaches that known prior art hand-held game apparatuses used wireless connections as well as the above described cable connection. Although Ng does not teach an embodiment using a wireless connection, replacing a cable communication mechanism has well known art-accepted advantages over a tethered connection. One distinct advantage of using a wireless connection is long-range portability from a communication point and the elimination of wire clutter. Therefore, one would be motivated to modify Ng to use wireless interconnection methods to allow for remote, longer distance communication and the elimination of wires. Infrared signals for wireless communication are considered analogous and art accepted equivalents to wireless radio communication methods.

New claim 35 is directed toward the steps of (1) receiving the character data corresponding with the training initial values and the given items by the external side, (2) setting the received character as an object to be trained when the training mode is selected, and (3) retraining the received character on said external side based upon said training initial values and said given items. Parts (1) and (2) are addressed above as being anticipated by Ng, Pokemon, and Hawkins. Part (3) adds the functionality of retraining the character based upon the training initial values and given items. Hawkins teaches transferring game objects from one user to another and, in some instances, changing one or more features of the game objects from one instantiation to another (see at least 4:38-5:37). In Hawkins, a game object's "DNA" represents generic attributes that may remain the same from one game to another. This DNA is analogous to applicant's training initial values. When a game object is mapped from one game environment to another, the DNA may remain unchanged whereas other values may be altered (see figures 3A-4B and descriptions thereof). In an embodiment where the DNA values remain the same between game players, but other attributes (e.g. the trained attributes) may be changed or erased, Hawkins in combination with the above references anticipates retraining a received character based upon training initial values and given items. Furthermore, the Hawkins example may be used in anticipation of applicant's claims 1, 4, and 7.



***Response to Arguments***

4. Applicant's arguments, see p. 14-15 of remarks filed 12/6/2005, with respect to rejections under 35 U.S.C. 112 have been fully considered and are persuasive. As a result of amendments, the rejection of claims under 35 U.S.C. 112 has been withdrawn.

5. Applicant's arguments filed 12/6/2005 have been fully considered but they are not persuasive.

Applicant contends that the Pokemon reference does not teach "training initial values reflecting at least one aspect of basic abilities of the character," as specified in the currently amended claims. Specifically, applicant argues that the "OT" value taught by the Pokemon reference merely refers to the identity of the original trainer (hence the initials O.T.), and thus Pokemon does not teach initial values reflecting at least one aspect of the basic abilities of the character.

In response, the examiner first notes that the claim limitation recites, "initial training values reflecting at least one aspect of the basic abilities of the character." Assuming applicant's interpretation of the Pokemon reference is correct and that "O.T." is a simple identifier of the original trainer, it is the position of the examiner that "O.T." reflects at least one aspect of the basic abilities of the character. Specifically, the O.T. identifies the original trainer who began the character, and the individual who accessed the character data when the character had not yet received any training. Since the character was effectively unaltered when the O.T. acquired it, the O.T. had access to the training initial values of the character. Thus, the O.T. data reflects at least one aspect of the basic abilities of the character.

Assuming that the Pokemon does not teach the claimed limitations, the examiner has shown above that Hawkins teaches an analogous system of transmitting the training initial values, wherein the training initial values reflect at least one aspect of the basic abilities of the character. Therefore, in the interest of advancing prosecution, the examiner contends that Hawkins is applicable not only to the limitations of claim 35, but also to limitations of claims 1, 4, and 7.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. McCulloch Jr. whose telephone number is (571) 272-2818. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William H. McCulloch Jr.  
Examiner  
Art Unit 3714  
6/7/2006

wm

A handwritten signature in black ink, appearing to read 'Corbett B. Coburn', written in a cursive style.

**CORBETT B. COBURN**  
**PRIMARY EXAMINER**